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1 **DIAMOND MCCARTHY LLP**

2 909 Fannin, Suite 1500
3 Houston, Texas 77010
4 Telephone (713) 333-5100
5 Facsimile (713) 333-5199

6 Allan B. Diamond, TX State Bar No. 05801800
7 Email: adiamond@diamondmccarthy.com
8 Eric D. Madden, TX State Bar No. 24013079
9 Email: emadden@diamondmccarthy.com

10 Special Litigation Counsel for USACM Liquidating Trust

11 **LEWIS AND ROCA LLP**

12 3993 Howard Hughes Parkway, Suite 600
13 Las Vegas, NV 89169-5996
14 Telephone (702) 949-8320
15 Facsimile (702) 949-8321

16 Susan M. Freeman, AZ State Bar No. 004199
17 Email: sfreeman@lrlaw.com
18 Rob Charles, NV State Bar No. 006593
19 Email: rcharles@lrlaw.com

20 Counsel for USACM Liquidating Trust

21 **UNITED STATES BANKRUPTCY COURT
22 DISTRICT OF NEVADA**

23 In re:

24 USA COMMERCIAL MORTGAGE
25 COMPANY,

26 USA CAPITAL REALTY ADVISORS,
27 LLC,

28 USA CAPITAL DIVERSIFIED TRUST
29 DEED FUND, LLC,

30 USA CAPITAL FIRST TRUST DEED
31 FUND, LLC,

32 USA SECURITIES, LLC, Debtors.

33 **Affects:**

34 All Debtors
35 USA Commercial Mortgage Company
36 USA Capital Realty Advisors, LLC
37 USA Capital Diversified Trust Deed Fund, LLC
38 USA Capital First Trust Deed Fund, LLC
39 USA Securities, LLC

40 Case No. BK-S-06-10725-LBR
41 Case No. BK-S-06-10726-LBR
42 Case No. BK-S-06-10727-LBR
43 Case No. BK-S-06-10728-LBR
44 Case No. BK-S-06-10729-LBR

45 **CHAPTER 11**

46 Jointly Administered Under Case No.
47 BK-S-06-10725 LBR

48 **MOTION FOR ORDER REQUIRING
49 TANAMERA/RORIPAUGH II, LLC
50 TO PRODUCE ONE OR MORE
51 REPRESENTATIVES FOR
52 EXAMINATION PURSUANT TO
53 FEDERAL RULE OF
54 BANKRUPTCY PROCEDURE 2004**

55 [No hearing required]

56 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
57 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring
58 Tanamera/Roripaugh II, LLC ("Tanamera/Roripaugh II") to produce one or more
59 representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy
60 Procedure 9016, to appear for examination at the office of Merrill Corporation, 199

1 Fremont Street, Suite 900, San Francisco, California 94105, on a business day no earlier
 2 than ten (10) business days after the filing of this Motion and no later than November 15,
 3 2007, or at such other mutually agreeable location, date, and time, and continuing from
 4 day to day thereafter until completed.
 5

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8 The Movant seeks information concerning various transactions between
 9 Tanamera/Roripaugh II and USACM, the other debtors in the above-captioned cases
 10 (together with USACM, the "Debtors"), and the Debtors' affiliates, subsidiaries, parents,
 11 or otherwise related entities. The Movant seeks this information to assist in the collection
 12 of the assets and the investigation of the liabilities of the Debtors.

13
 14 The requested discovery from Tanamera/Roripaugh II is well within the scope of
 15 examination permitted under Bankruptcy Rule 2004, which includes:

16 [t]he acts, conduct, or property or . . . the liabilities and financial condition
 17 of the debtor, or . . . any matter which may affect the administration of the
 18 debtor's estate, or to the debtor's right to a discharge. In a . . .
 19 reorganization case under chapter 11 of the Code, . . . the examination may
 20 also relate to the operation of any business and the desirability of its
 21 continuance, the source of any money or property acquired or to be acquired
 22 by the debtor for purposes of consummating a plan and the consideration
 23 given or offered therefore, and any other matter relevant to the case or to the
 24 formulation of a plan.¹

25 **Conclusion**

26 Accordingly, the Movant requests that this Court enter the form of order submitted
 27 with this Motion.

¹ FED.R. BANKR. P. 2004(b).

1 Dated: September 12, 2007.

2 **DIAMOND MCCARTHY TAYLOR**
3 **FINLEY & LEE LLP**

4 By: /s/ Eric D. Madden
5 Allan B. Diamond, TX 05801800 (pro hac vice)
6 William T. Reid, IV, TX 00788817 (pro hac vice)
7 Eric D. Madden, TX 24013079 (pro hac vice)
8 909 Fannin, Suite 1500
9 Houston, Texas 77010
10 (713) 333-5100 (telephone)
11 (713) 333-5199 (facsimile)

12
13 *Special Litigation Counsel for USACM*
14 *Liquidating Trust*

15 **LEWIS AND ROCA LLP**

16 By: /s/ Rob Charles
17 Susan M. Freeman, AZ 4199 (pro hac vice)
18 Rob Charles, NV 6593
19 3993 Howard Hughes Parkway, Suite 600
20 Las Vegas, Nevada 89169-5996
21 (702) 949-8320(telephone)
22 (702) 949-8321(facsimile)

23
24 *Counsel for USACM Liquidating Trust*